

12-10-07

DAE
JFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
MBHB Case No. 07-836

In re Application of:)
)
Nicholas Paul Andrew Galea) Confirmation No. 2440
)
Serial No.: 09/812,409) Group Art Unit: 2135
)
Filed: March 20, 2001) Examiner: Beemnet W. Dada
)
For: Electronic Mail Message Anti-)
Virus System and Method)

**STATEMENT SUPPORTING PETITION FOR REVIVAL OF PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(B).**

This statement is being filed in support of the Petition to Revive the above-referenced patent application ("the Application") under 37 C.F.R. 1.137(B).

1. I am an attorney at McDonnell Boehnen Hulbert & Berghoff LLP, current representatives of the applicants. I have conducted an investigation into the facts and circumstances underlying the abandonment of the Application on December 7, 2005 due to a failure to respond to the final Office Action mailed September 7, 2005.

2. At the time of the abandonment, the applicants' representatives were affiliated with the law firm of Seyfarth Shaw LLP ("Seyfarth"). The working file for the Application was transferred to me from Seyfarth on August 20, 2007.

3. Seyfarth transferred the file to me based upon instructions of Mr. Clifford Want of Harrison Goddard Foote, a law firm in London, England. Mr. Want is outside counsel for the assignee of all rights in the Application, GFI Software Ltd. ("GFI").

CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this paper is being deposited with the United States Postal Service with sufficient postage as U.S. Express Mail No. EV839409623US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of December, 2007.

[Signature]

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4. On our about November 20, 2006, Mr. Want had become aware of the abandonment of the Application when he examined the PTO PAIR system. Mr. Want has informed me that neither he nor GFI had intended to allow the Application to become abandoned at any time. Rather, at all times Mr. Want and GFI had desired for prosecution of the Application to continue. Mr. Want also told me that neither he nor GFI intended any delay in the filing of this petition.

5. I have conferred with representatives of Seyfarth regarding the facts and circumstances surrounding the failure to timely respond to the Office Action, the delay in notifying the applicants of the abandonment of the Application, and the delay in taking action for filing a petition to revive the Application. As a result of my investigation, it is my understanding that the attorney responsible for prosecuting the Application at Seyfarth, Mr. Timothy Keefer, experienced significant medical problems that prevented him from timely responding to the Office Action and that affected his ability to file a petition to revive.

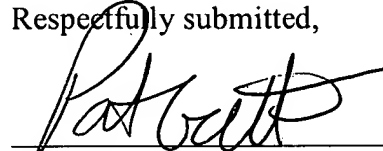
6. I have been informed by Mr. Peter Woodford of Seyfarth that no attorney or assistant at Seyfarth intended to abandon the Application.

7. Attached hereto is a letter of November 15, 2007 from Mr. Woodford regarding the failure to timely respond to the Office Action and the delay in filing the petition (Ex. A).

8. I have been unable to speak to Mr. Keefer directly to further form my own impression of the circumstances surrounding the abandonment of the Application and the delay in filing the petition.

9. Since I accepted responsibility for this Application on August 20, 2007, neither myself nor any other attorney at McDonnell Boehnen Hulbert & Berghoff LLP intended to delay filing a petition to revive.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick G. Gattari", written over a horizontal line.

Patrick G. Gattari

Reg. No. 39,682

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP

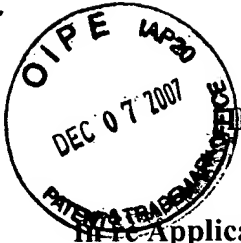
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MBHB Case No. 07-836

Application of:

Nicholas Paul Andrew Galea

Serial No.: 09/812,409

Filed: March 20, 2001

For: Electronic Mail Message Anti-
Virus System and Method

Confirmation No. 2440

Group Art Unit: 2135

Examiner: Beemnet W. Dada

Attn: Office of Petitions
Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(B)**

The above-identified application became abandoned for failure to file a timely response to the final Office Action mailed September 7, 2005. No extensions of time were obtained for responding to the Office Action.

Applicant hereby petitions for revival of this application.

This petition is accompanied by the following items:

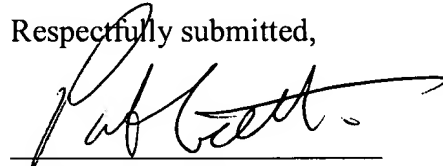
1. Petition Fee (\$1540.00);
2. Reply to the final Office Action mailed September 7, 2005;
3. Request for Continued Examination and the requisite fee (\$810.00); and
4. Statement Supporting Petition for Revival of Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b).

CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this paper is being deposited with the United States Postal Service with sufficient postage as U.S. Express Mail No. EV839409623US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of December, 2007.

All of the above documents and fees are submitted in the accompanying papers. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

If the Office deems that additional fees are due, the Office is authorized to charge deposit account No. 13-2490

Respectfully submitted,



Patrick G. Gattari
Reg. No. 39,682

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